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In re Application of TRIBELSKY et al. :
Application No.: 10/566,983 : DECISION ON PETITION
PCT No.: PCT/IL04/00718 :
Int. Filing: 04 August 2004 : UNDER 37 CFR 1.47(a)
Priority Date: 04 August 2003 :
Attorney Docket No.: P-7784-US :
For: METHOD FOR ENERGY COUPLING :
ESPECIALLY USEFUL FOR DISINFECTING :
AND VARIOUS SYSTEMS USING IT :

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 14 August 2008, to accept the application without the signature of joint inventor ZAMIR TRIBELSKY. Petitioner requests a four month extension of time, which is granted.

BACKGROUND

On 02 February 2006, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 19 July 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 19 November 2007, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor ZAMIR TRIBELSKY, alleging that Mr. TRIBELSKY refused to sign the application.

On 15 February 2008, a decision dismissing the petition was mailed to applicant. On 14 August 2008, Petitioner filed a renewed petition along with a request for a four month extension of time.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-

signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Items (1), (3) and (4) were previously satisfied.

With respect to Item (2) above, the 29 July 2008 declaration of Amir Cohen, Chief Financial Officer of Atlantium Technologies, Ltd. was attached to the petition, detailing the efforts made to obtain the nonsigning inventor's signature. According to the declaration, Mr. Cohen met with Mr. Tribelsky on 19 July 2008. Mr. Tribelsky admitted that he received the documents, including the declaration for this application. Mr. Tribelsky stated that "the amount of the payment he had previously agreed upon is not acceptable to him and that he expects a much higher amount." Furthermore, Mr. Tribelsky refused to sign any documents, including the declaration for the present application.


The action taken by petitioner is sufficient to prove that Mr. Tribelsky refused to sign the application papers. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 19 November 2007. The application has an international filing date of 04 August 2004 under 35 U.S.C. 363, and a date of 19 November 2007 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.


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05 SEP 2008

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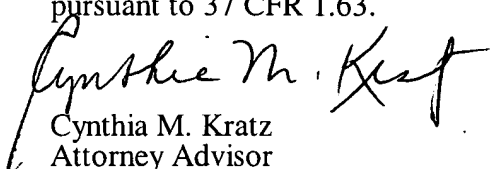
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Dear Mr. Tribelsky:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.


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